

REMARKS

The present communication responds to the Office communication of July 21, 2009, in which the Examiner subjected claims 1-58 to a restriction requirement.

Group I: Claims 1-42 and 48-58, drawn to a chisel.

Group II: Claims 43-47, drawn to a method of preparation of a disc space.

Restriction and Election of Claims

In the outstanding Office Action, two inventions were identified in the grouping noted immediately above.

Applicant hereby elects the invention Group I (drawn to a chisel).

Applicant makes this election without traverse.

Applicant respectfully asserts that the withdrawal of the claims should make the restriction now moot and that remaining claims should be examined together.

After the election and withdrawal of the claims, claims 1-42 and 48-58 remain.

Claims 43-47 are withdrawn.

Conclusion

Reconsideration and allowance is respectfully requested.

This response is being submitted on or before November 23, 2009, (November 21 being a Saturday) with the required fee for a four-month extension of time, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at (612) 492-6692.

Respectfully submitted,

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Date: 11/23/09

By: 

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